

FILED

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LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85361

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:) Administrative Order
)
THE SHARING OF MENTAL HEALTH) No. 2014-21
INFORMATON FOR COURT-INVOLVED)
ADULTS)
_____)

WHEREAS; individuals with mental illness including those that have been diagnosed with serious mental illness (SMI) frequently enter the criminal justice system and are denied services which would otherwise be available to them if the court was aware of their mental history and diagnosis; and

WHEREAS, the Yuma County Adult Probation Office (APO) makes recommendations for sentencing purposes to the court for individuals with mental health issues; and

WHEREAS, the APO supervises probationers who have mental health issues and or are diagnosed as SMI and these probationers are either supervised under mental health regulations and or participate in the Superior Court's Mental Health Court for continuity of care;

WHEREAS, the Privacy Rule of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Federal Code of Regulations in 45 CFR 164.512(e)(1) authorizes the disclosure of protected information pursuant to a court order; and

WHEREAS, the Arizona Department of Health Services (AzDHS) contracts with Cenpatico, the Yuma County Regional Behavioral Health Authority (RBHA), and its contracted providers need to share information with the Yuma County Superior Court including APO through direct access database inquires for certain types of limited identifying information to the Court and Probation for sentencing purposes, identification, assignment to specialized court calendars, continuity of care, and referrals to appropriate mental health treatment agencies;

1 **IT IS ORDERED** that the Yuma County RBHA shall provide direct, real-time access to
2 its entire client database to the Yuma County Superior Court, and APO, for individuals who have
3 been arrested or detained, are involved with the APO, or are the subject of court proceedings
4 pursuant to Arizona Revised Statutes Title 8, Title 36 and/or Title 14. Unless otherwise prohibited
5 by federal law, the access shall consist of the following information, if available, about the
6 individual:

- 7 a. First, Middle and Last Name, and Known aliases of the individual,
- 8 b. The last four digits of the individual's social security number,
- 9 c. Date of birth, gender and ethnicity of the individual,
- 10 d. Whether the subject individual is, or has been previously enrolled as a client of the
11 RBHA in Yuma County, and has been designated as SMI,
- 12 e. Whether the subject individual is enrolled or previously enrolled as a client of the
13 RBHA in Yuma County as a youth involved in children's services, and
- 14 f. Name of clinic or provider, name of case manager and telephone number

15 **IT IS FURTHER ORDERED** as follows:

- 16 1. The Yuma County Superior Court and APO shall refer individuals who are identified
17 through validated risk assessments to potentially have mental health and/or substance
18 abuse issues, and do not have healthcare to the Yuma County RBHA for healthcare
19 enrollment, assessment, and engagement in treatment services to target identified
20 needs. The Yuma County RBHA shall determine whether the referred individuals
21 qualify for enrollment and services.
- 22 2. The Yuma County Superior Court and APO shall provide the Yuma County RBHA
23 or its contracted providers with copies of risk assessments and case plans on
24 identified individuals when referring the individuals for treatment.
- 25 3. The Yuma County Superior Court, APO, and the Yuma County RBHA shall
26 implement protocols for the release and exchange of information required by this
27 order, in a manner that will accommodate routine as well as emergency requests for
28 information 24 hours a day – seven days a week, and that will permit direct, real-time
database inquiries to be performed by designated Yuma County Superior Court and
APO to search and access the information designated above.
4. The Yuma County Superior Court and APO shall maintain the confidentiality of all
information provided to or from the county RBHA pursuant to this Administrative
Order, and shall not disseminate such information to any person or entity not under its
supervision and control, except as provided by applicable law, rule, regulation or
court order. No database queries shall be permitted by any designated Yuma County
Superior Court or APO employee except for the limited purposes set forth in this
Administrative Order.

1 5. The Yuma County RBHA shall maintain the confidentiality of information provided
2 by the Yuma County Superior Court and APO pursuant to this Administrative Order,
3 and shall not disseminate such information to any person or entity under law, rules,
4 regulation, or court order. No database queries into the Yuma County Superior Court
5 or APO records and case management systems shall be permitted by any AzDHS or
6 Yuma County RBHA employee except for the limited purposes set forth in this
7 Administrative Order.

8 Dated this 8th day of December, 2014.

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10 JOHN N. NELSON
11 PRESIDING JUDGE

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16 COPIES TO:

17 Hon. Larry Kenworthy
18 Hon. John Paul Plante
19 Hon. Mark Wayne Reeves
20 Hon. Maria Elena Cruz
21 Hon. David M. Haws
22 Hon. Kathryn Stocking-Tate
23 Hon. Lisa Bleich
24 Hon. Stephen J. Rouff
25 Hon. Lynn Fazz, Clerk of Superior Court
26 Hon. Jon Smith, County Attorney
27 Robert Pickels, County Administrator
28 Margaret C. Guidero, Court Administrator
Kathy Schaben, Trial Court Administrator
Tim Hardy, Director, Yuma County Juvenile Court
Sandi Hoppough, Chief Adult Probation Officer
Michael Breeze, Public Defender
Jose de la Vara, Legal Defender
Shannon Gunderman, Conflict Administrator
Yuma County Bar